

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EUGENE SUTTON,	:	CIVIL ACTION NO. 1:07-CV-1798
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
CAPTAIN E. BRADLEY, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of December, 2007, upon consideration of the report (Doc. 22) of the magistrate judge to which no objections were filed recommending that plaintiff's motion (Doc. 7), which seeks a preliminary injunction or temporary restraining order to improve of the conditions of plaintiff's confinement, be denied as moot because plaintiff is no longer incarcerated within this judicial district, and after an independent review of the record, it is hereby ORDERED as follows:

1. The report and recommendation (Doc. 22) of the magistrate judge is ADOPTED.
2. Plaintiff's motion (Doc. 7) for a preliminary injunction or temporary restraining order is DENIED as moot. See Ibarra-Villalva v. USP-Allenwood, 213 F. App'x 132, 134 (3d Cir. 2007) (upholding denial of prisoner's challenge to conditions of confinement as moot because prisoner was transferred to another institution).
3. The above-captioned matter is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge